

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4 and 476.2, the Utilities Board (Board) gives notice that on November 1, 2016, the Board issued an order in Docket No. RMU-2016-0009, In re: Iowa Electrical Safety Code [199 IAC Chapter 25], “Order Commencing Rule Making,” proposing to update and streamline Chapter 25 of the Board’s rules. To develop the proposed amendments, the Board sought early input from stakeholders. On August 5, 2016, the Board issued an “Order Seeking Stakeholder Comment on Potential Rule Changes” in which the Board identified several potential revisions to Chapter 25 that would update and clarify the rules. Generally, the stakeholder responses agreed with the Board’s potential changes. Two stakeholders proposed further changes to the rules regarding pole attachments which are discussed in the Board’s “Order Commencing Rule Making.”

The order approving this Notice of Intended Action can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2016-0009.

Pursuant to Iowa Code sections 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before December 13, 2016. The statement should be filed electronically through the Board’s EFS. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to Docket No. RMU-2016-0009. Paper comments may be filed with approval of the Board.

An opportunity for interested persons to present oral comments on the proposed amendments will be held at 1 p.m. on January 24, 2017, in the Board’s hearing room at 1375 East Court Avenue, Des Moines, Iowa. Persons with disabilities who require assistive services or devices to observe or participate should contact the Board at (515)725-7334 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

After analysis and review, the Board tentatively concludes that the proposed amendments, if adopted, will not have a detrimental effect on jobs in Iowa.

These amendments are intended to implement Iowa Code sections 17A.4 and 476.2.

The following amendments are proposed.

ITEM 1. Amend subrule 25.2(1) as follows:

25.2(1) *National Electrical Safety Code*. The American National Standards Institute (ANSI) ~~C2-2012~~ C2-2017, “National Electrical Safety Code” (NESC), including issued Correction Sheets, is adopted as part of the Iowa electrical safety code, except Part 4, “Rules for Operation of Electric Supply and Communications Lines and Equipment,” which is not adopted by the board.

ITEM 2. Amend subrule 25.2(2), introductory paragraph, as follows:

25.2(2) *Modifications and qualifications to ANSI ~~C2~~ the NESC*. The standards set forth in ~~ANSI C2~~ the NESC are modified or qualified as follows:

ITEM 3. Amend paragraph **25.2(2)“d”** as follows:

d. Rule ~~247C.1~~ 217C1 is changed to read:

“The ground end of anchor guys exposed to pedestrian or vehicle traffic shall be provided with a substantial marker not less than eight feet long. The guy marker shall be of a conspicuous color such as yellow, orange, or red. Green, white, gray or galvanized steel colors are not reliably conspicuous

against plant growth, snow, or other surroundings. Noncomplying guy markers shall be replaced as part of the utility's inspection and maintenance plan."

ITEM 4. Amend paragraph **25.2(2)"f"** as follows:

f. There is added to the first paragraph of Rule ~~110A-1~~ 110A1, after the sentence stating, "Entrances not under observation of an authorized attendant shall be kept locked," the following sentences:

Entrances may be unlocked while authorized personnel are inside. However, if unlocked, the entrance gate must be fully closed, and must also be latched or fastened if there is a gate-latching mechanism.

ITEM 5. Amend paragraph **25.2(3)"a"** as follows:

a. Electric utilities shall conduct or participate in annual public information campaigns to inform farmers, farm lenders, grain bin merchants, and city and county zoning officials of the hazards of and standards for construction of grain bins near power lines. Where drawings and formulas from the NESC are used as part of public information campaigns, they are to be based on the "Errata to 2012 Edition National Electrical Safety Code" Correction Sheet issued February 6, 2012.

ITEM 6. Amend subrule 25.3(2) as follows:

25.3(2) Annual report. Each utility shall include as part of its annual report to the board, as required by 199—Chapter 23, certification of compliance with each area of the inspection and maintenance plan required by subrule 25.3(1) or a detailed statement on areas of noncompliance.

ITEM 7. Amend subrule 25.3(4) as follows:

25.3(4) Records. Each utility shall keep sufficient records to demonstrate compliance with its inspection and vegetation management plans. For each inspection unit, the records of line and substation inspections and pole inspections shall include the inspection date(s), the findings of the inspection, and the disposition or scheduling of repairs or maintenance found necessary during the inspection. For each inspection unit, the records of vegetation management shall include the date(s) during which the work was conducted. The records shall be kept until two years after the next periodic inspection or vegetation management action in the inspection and maintenance plan cycle is completed or until all necessary repairs and maintenance are completed, whichever is longer.

ITEM 8. Amend subrule 25.5(3) as follows:

25.5(3) The board shall be notified immediately, or as soon as practical thereafter, by e-mail to the board duty officer at dutyofficer@iub.iowa.gov or, ~~in appropriate circumstances~~ if e-mail service is not available, by calling (515)745-2332. The person contacting the board shall leave a telephone number of a person who can provide the following information:

- a.* The name of the company, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.
- b.* The location of the incident.
- c.* The time of the incident.
- d.* The number of deaths or personal injuries requiring in-patient hospitalization and the extent of those injuries.
- e.* Initial estimate of damages.
- f.* A summary of the significant information available regarding the probable cause of the incident and extent of damages.
- g.* Any oral or written report made to a federal agency, the agency receiving the report, and the name and telephone number of the person who made or prepared the report.

ITEM 9. Amend subrule 25.5(4) as follows:

25.5(4) Written incident reports. Within 30 days of the date of the incident, the owner or operator shall file a written report with the board. The report shall include the information required for ~~telephone~~ notice in subrule 25.5(3), the probable cause as determined by the company, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available

at a later date, a supplemental report shall be filed. Duplicate copies of any written reports filed with or submitted to a federal agency concerning the incident shall also be provided to the board.